

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:24-cv-00122-MR**

TANNER MOREN EAGLE LARCH,)
Plaintiff,)
vs.)
PROSECUTING ATTORNEY, et al.,) ORDER
Defendants.)

)

THIS MATTER is before the Court *sua sponte*.

The pro se Plaintiff, a federal prisoner, filed a Letter in this Court that was docketed as a civil rights action. [Doc. 1]. The Plaintiff did not pay the filing fee or file an application to proceed in forma pauperis. On April 19, 2024, the Clerk entered a Notice of Deficiency ordering the Plaintiff to pay the filing fee or to file an application to proceed in forma pauperis within 21 days. [Doc. 3]. The Plaintiff was cautioned that “the failure to do so will result in the dismissal of this action without further notice.” [Id. at 2].

The time to pay the filing fee or to file an application to proceed in forma pauperis has expired, and the Plaintiff has failed to comply. The Plaintiff appears to have abandoned this action, and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P.

41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE.**

IT IS SO ORDERED.

Signed: June 3, 2024



Martin Reidinger
Chief United States District Judge

